

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 21, 2007

D049141 In re Omar C., a Juvenile

The court's finding that Omar violated Vehicle Code section 10851, subdivision (a) is reversed. The remainder of the juvenile court order is affirmed. The trial court shall modify its minutes to so reflect. O'Rourke, J.; We Concur: Nares, Acting P.J., Haller, J.

D049882 In re Amberlynn B., a Juvenile

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., McIntyre, J.

D049211 In re Wholesale Electricity Antitrust Cases I & II

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D050540 Hilts-Sandoval, LLC et al. v. Jajou

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately.

D048453 People v. Munizza

The order granting a certification of rehabilitation is reversed. Benke, J.;
We Concur: McConnell, P.J., McIntyre, J.

D049478 Bank of America, N.A., v. Superior Court of San Diego County/Gilfillan et al.

At the request of petitioner, the petition is dismissed.

**D050798 Stellar Enterprises, Inc. v. Superior Court of San Diego County/Sea Breeze
Construction**

The petition is denied for untimeliness.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 22, 2007

D047769 People v. Jackson

The convictions are affirmed. The judgment is reversed as to the upper term sentence on count 2. The sentence is vacated and the case is remanded for resentencing. Aaron, J.; I Concur: McIntyre, J., I Concur in the Result (by opinion): Huffman, Acting P.J.

D047546 People v. Mwesigwa

The judgment is affirmed. Haller, J.; We Concur: Huffman, Acting P.J., Irion, J.

D050566 Beltran v. Workers' Compensation Appeals Board et al.

The petition is denied.

D050310 In re Torres on Habeas Corpus

The petition is denied.

D050849 In re Denham on Habeas Corpus

The petition is denied.

D050859 In re Bahena on Habeas Corpus

The petition is denied.

D049507 People v. Marshall

The judgment is affirmed. Nares, Acting P.J.; We Concur: McDonald, J., Irion, J.

D050320 In re Woods, III on Habeas Corpus

The petition is denied.

D050898 Baja Bound Insurance Services Inc., et al. v. Superior Court of San Diego County/Crews et al.

The petition is denied.

D047643 People v. Mendoza

The judgment is reversed in part, and the case is remanded for the trial court to conduct a new sentencing hearing consistent with the views expressed in *Cunningham v. California*, supra, 549 U.S. [127 S.Ct. 856]. In all other respects, the judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., Nares, J.

D048156 Canova et al. v. Trustees of Imperial Irrigation District Employee Pension Plan, et al.

The judgment is reversed and the matter is remanded for further proceedings in accordance with this opinion. Plaintiffs are entitled to their costs on appeal. CERTIFIED FOR PUBLICATION McIntyre, J.; We Concur: McConnell, P.J., Aaron, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 22, 2007 (Continued)

D047773 People v. Warren

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

D050250 In re Goodrum on Habeas Corpus

The petition is denied.

D048441 California Association of Realtors v. Barry

Order affirmed. Benke, J.; We Concur: Nares, J., Aaron, J.

**D050799 Ricardo F. v. Superior Court of San Diego County/San Diego County Health
and Human Services Agency**

The attorney for petitioner Ricardo F. has notified the court that a petition for writ of mandate under California Rules of Court, rules 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case is DISMISSED.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 23, 2007

D048988 Kimmins et al. v. Faban & Fagan et al.

Upon written stipulation filed by the parties to the appeal, the appeal is DISMISSED and the remittitur is ordered to issue immediately.

D048744 Lopez v. Vu

Judgment affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D048450 People v. Olier

Order affirmed. Haller, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D048171 People v. Lastra

The judgment is affirmed. Benke, J.; We Concur: McConnell, P.J., Aaron, J.

D048168 Mirabella Design Build v. Herrath et al.

The judgment is reversed in part, and this case is remanded for proceedings consistent with this opinion. In all other respects, the judgment is affirmed. The parties are to bear their own costs. Irion, J.; We Concur: Huffman, Acting P.J., O'Rourke, J.

D048758 Alford et al. v. County of San Diego et al.

The judgment is reversed and the matter is remanded for further proceedings not inconsistent with this opinion. Costs on appeal to appellants. CERTIFIED FOR PUBLICATION Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D047879 People v. Oropeza

The matter is remanded for resentencing. In all other respects, the judgment is affirmed. CERTIFIED FOR PARTIAL PUBLICATION Benke, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

D049447 Bartick et al. v. 4-Ward Tech Inc., et al.

Appellant has failed to file a brief after notice given pursuant to California Rules of Court, rule 8.220(a). The appeal is dismissed.

D050365 In re Parrison on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 24, 2007

D049027 In re Mary G., a Juvenile

The judgment terminating parental rights is reversed. The case is remanded to the juvenile court with directions to order that Frank is a presumed father entitled to reunification services, and to order the Agency to comply with the notice provisions of the ICWA.

CERTIFIED FOR PUBLICATION McConnell, P.J.; We Concur: Huffman, J., McIntyre, J.

D047679 People v. Johnson

The judgment is reversed as to the true finding that the battery with serious injury in San Diego County Superior Court case No. ECR7455 was a prior conviction. The trial court is instructed to amend the abstract of judgment and forward a copy of the amended abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed. McConnell, P.J.; I Concur: Benke, J., I Concur In The Result: Huffman, J.

D050825 Briarwood Capital, LLC v. Superior Court of San Diego County/Lennar Homes of California Inc., et al.

The petition is denied.

D050253 In re Ferguson on Habeas Corpus

The petition is denied.

D050382 Ybarguen et al. v. Superior Court of San Diego County/Azrom Metal Industries, Ltd.

The petition is denied.

D050312 In re Walters on Habeas Corpus

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA
FOURTH APPELLATE DISTRICT
DIVISION ONE
May 25, 2007

D050311 In re Thornton on Habeas Corpus

The petition is denied.

D050689 Desai v. U.S. National Bank Association

Pursuant to California Rules of Court, rule 8.140, the appeal filed April 02, 2007, is DISMISSED for appellant's failure to timely designate the record.

D049960 In re Joey L., a Juvenile

The judgment is affirmed. Nares, Acting P.J.; We Concur: Haller, J., O'Rourke, J.

D047826 People v. George

The judgment is affirmed. McConnell, P.J.; We Concur: Huffman, J., Aaron, J.

D048107 People v. Samaniego

The judgment is affirmed. Irion, J.; We Concur: Haller, Acting P.J., O'Rourke, J.

D046969 St. Paul Mercury Insurance Company v. American International Specialty Lines Insurance Company

Upon written request filed by appellant/cross-respondent, American International Specialty Lines Insurance Co., the appeal filed on August 11, 2005 is DISMISSED and the remittitur is ordered to issue immediately. Upon written request filed by respondent/cross-appellant, St. Paul Mercury Insurance Co., the appeal filed on September 2, 2005 is DISMISSED and the remittitur is ordered to issue immediately. The parties are to bear their own costs on appeal.

D050318 In re Mootry on Habeas Corpus

The petition is denied.

D050786 Butts v. Superior Court of San Diego County/People

The petition is denied.

D050482 Avila v. Director Department of Motor Vehicles

The petition for writ of supersedeas, first amendment to petition for writ of supersedeas and request for stay of the Department of Motor Vehicles' order have been read and considered by Presiding Justice McConnell, Associate Justices McIntyre and O'Rourke.
The petition is denied.

D050743 Young v. Superior Court of San Diego County/People

The petition is denied.